

110TH CONGRESS
2D SESSION

S. RES. 178

Expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

IN THE SENATE OF THE UNITED STATES

MAY 1, 2007

Mr. BINGAMAN (for himself, Mr. LEAHY, Mr. DURBIN, Mrs. FEINSTEIN, Mr. DODD, Mr. SANDERS, Mr. FEINGOLD, Mr. MENENDEZ, Mr. CASEY, Mr. LAUTENBERG, Mrs. BOXER, Mrs. LINCOLN, Ms. SNOWE, and Mr. SMITH) submitted the following resolution; which was referred to the Committee on Foreign Relations

MARCH 10, 2008

Committee discharged; considered, amended, and agreed to with an amended preamble

RESOLUTION

Expressing the sympathy of the Senate to the families of women and girls murdered in Guatemala, and encouraging the United States to work with Guatemala to bring an end to these crimes.

Whereas since 2001, more than 2,000 women and girls have been murdered in Guatemala;

Whereas most of the victims are women ranging in age from 18 to 30, with many of the cases involving abduction, sexual violence, or brutal mutilation;

Whereas while the overall murder rate in Guatemala has increased substantially, the rate at which women have been murdered in Guatemala has increased at an alarming rate, almost doubling from 2001 to 2006;

Whereas according to data from Guatemala's Public Prosecutors Office, few arrests and fewer convictions have occurred, and prosecutors, forensics experts, and other state justice officials have not brought the perpetrators to justice;

Whereas from 2001 to 2006, there were only 20 convictions for the murders of women and girls;

Whereas the Human Rights Ombudsman of the Government of Guatemala has reported that in 1 year alone police officers were implicated on 10 separate occasions in the murder of women in Guatemala, and recommended that such officers and other officials be held accountable for their acts;

Whereas an effective, transparent, and impartial judicial system is key to the administration of justice, and the failure to ensure proper investigations and prosecutions hampers the ability to solve crimes and punish perpetrators;

Whereas inadequate financial, human, and technical resources, as well as a lack of forensic and technical expertise, have impeded the arrest and prosecution of suspects;

Whereas the Special Prosecutor for Crimes Against Women of the Government of Guatemala has reported that her office has reviewed approximately 800 incidents of domestic violence per month, with some of those cases ending in murder, and that deaths could have been prevented

if the legal system of Guatemala provided for prison sentences in cases of domestic violence;

Whereas the murders of women and girls in Guatemala have brought pain to the families and friends of the victims as they struggle to cope with the loss of their loved ones and the fact that the perpetrators of these heinous acts remain unknown to the proper authorities;

Whereas many countries in Latin America face significant challenges in combating violence against women, and international cooperation is essential in addressing this serious issue;

Whereas the United States Agency for International Development (USAID) has provided assistance to the Government of Guatemala to implement judicial reform and rule of law programs, and in fiscal year 2006, Congress provided \$1,500,000 for programs to combat impunity, corruption, and crimes of violence, of which \$500,000 is to be allocated to strengthen the special prosecutorial units charged with investigating the murders of women in Guatemala;

Whereas the Government of Guatemala has undertaken efforts to prevent violence against women, as evidenced by its ratification of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, done at New York December 18, 1979, the Inter-American Convention on the Prevention, Punishment, and Eradication of Violence Against Women, done at Belem do Para, Brazil June 9, 1994, and other international human rights treaties, and the enactment of laws and the cre-

ation of state institutions to promote and protect the rights of women;

Whereas the Government of Guatemala has created special police and prosecutorial units to address the brutal murders of women in Guatemala;

Whereas in June 2006, the Government of Guatemala successfully abolished the “Rape Law” which had absolved perpetrators of criminal responsibility for rape and certain other crimes of violence upon the perpetrator’s marriage with the victim;

Whereas legislators from various parties in Guatemala have joined lawmakers from Mexico and Spain to form the “Interparliamentary Network against ‘Femicide’”;

Whereas the Government of Guatemala and the United Nations recently entered into an agreement to establish the International Commission Against Impunity in Guatemala (CICIG), which has a mandate to investigate and promote the prosecution of illegal security groups and clandestine security organizations that function with impunity and are suspected of attacking human rights defenders, justice officials, and other civil society actors; and

Whereas continuing impunity for crimes against women is a threat to the rule of law, democracy, and stability in Guatemala: Now, therefore, be it

1 *Resolved*, That the Senate—

2 (1) expresses its sincerest condolences and
3 deepest sympathy to the families of women and girls
4 murdered in Guatemala, and recognizes their courageous
5 struggle in seeking justice for the victims;

1 (2) expresses the solidarity of the people of the
2 United States with the people of Guatemala in the
3 face of these tragic and senseless acts;

4 (3) condemns the ongoing murders of women
5 and girls in Guatemala, and encourages the Govern-
6 ment of Guatemala to act with due diligence in order
7 to promptly investigate these killings, prosecute
8 those responsible, and continue to work toward
9 eliminating violence against women;

10 (4) urges the Government of Guatemala to
11 strengthen laws with respect to domestic violence
12 and sexual harassment, to improve the integrity of
13 the prosecutorial and judicial systems, and to pro-
14 vide the resources and commitment necessary to
15 adequately enforce justice for crimes against women;

16 (5) urges the President and the Secretary of
17 State to continue to incorporate the investigative
18 and preventative efforts of the Government of Gua-
19 temala regarding the murder of women and girls
20 into the bilateral agenda between the Governments
21 of Guatemala and the United States;

22 (6) encourages the Secretary of State to con-
23 tinue to support efforts by the Government of Gua-
24 temala to train and equip the special police and
25 prosecutorial units of the Government of Guatemala

1 to conduct thorough and proper investigations of
2 crimes of violence against women, and to implement
3 judicial reform and rule of law programs;

4 (7) encourages the Secretary of State and the
5 Attorney General to provide assistance in estab-
6 lishing a comprehensive missing persons system and
7 an effective state protection program for witnesses,
8 victims' relatives, and human rights defenders;

9 (8) urges the Government of Guatemala to hold
10 accountable those law enforcement and judicial offi-
11 cials whose failure to investigate and prosecute the
12 murders adequately, whether through negligence,
13 omission, or abuse, has led to impunity for these
14 crimes;

15 (9) encourages the Secretary of State to sup-
16 port efforts to identify perpetrators and unknown
17 victims through forensic analysis, including assisting
18 the Government of Guatemala in adequately funding
19 the National Institute for Forensic Science
20 (INACIF) and training lab personnel in investiga-
21 tory and evidence gathering protocols;

22 (10) urges the Secretary of State—

23 (A) to express support for the efforts of
24 the victims' families and loved ones to seek jus-
25 tice for the victims,

1 (B) to express concern relating to any har-
2 assment of these families and the human rights
3 defenders with whom they work, and

4 (C) to express concern with respect to im-
5 pediments in the ability of the families to re-
6 ceive prompt and accurate information in their
7 cases;

8 (11) encourages the Secretary of State to con-
9 tinue to include in the Department of State's annual
10 Country Reports on Human Rights Practices in-
11 stances of failure to investigate and prosecute
12 crimes, threats against human rights activists, and
13 the use of torture with respect to cases involving the
14 murder and abduction of women and girls in Guate-
15 mala;

16 (12) recommends that the United States Am-
17 bassador to Guatemala continue to meet with the
18 families of the victims, women's rights organizations,
19 and the officials of the Government of Guatemala
20 who are responsible for investigating these crimes;
21 and

22 (13) recommends that the Secretary of State
23 develop a comprehensive plan to address and combat

- 1 the growing problem of violence against women in
- 2 Latin America.

